



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.07.2018

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A. (MD) No.806 of 2018
and
C.M.P (MD) No.4809 of 2018

1.The Registrar,
Anna University,
Chennai - 600 025.

2.The Controller of Examinations,
Anna University,
Chennai - 600 025.

.. Appellants/respondents 1 and 2

Vs.

1.Arul Leo Jones .. 1st respondent / Petitioner

2.The Principal
P.S.N.A College of Engineering
and Technology,
Dindigul - 624 622.

..2nd Respondents/3rd respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order passed by this Court in W.P(MD)No.452 of 2018 dated 23.04.2018.

Prayer in WP(MD).No.452/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records of the 3rd respondent issued in proceedings Ref.No.PSNACET / D1/ Attendance shortage/ Odd semester /2017-18 dated 15.12.2017 and quash the same and consequently directing the respondents 1 to 3 to permit the petitioner to attend the 4th semester classes commenced on 18.12.2017 and permit the petitioner to attend the 3rd semester examinations along with the 4th semester examinations in the 3rd respondent college.

For Appellants : Mr.M.Rajarajan

For Respondent : Mr.T.M.Madasamy for R1
Mr.M.P.Senthil for R2

**JUDGMENT**

[Judgment of the Court was delivered by K.RAVICHANDRABAABU, J.]

This writ appeal is directed against the order of the learned single Judge passed in W.P(MD)No.452 of 2018, dated 23.04.2018.

2.The appellants are the respondents 1 and 2 in the writ petition. The first respondent herein, as the writ petitioner, challenged the proceedings of the second respondent herein, dated 15.12.2017, and consequently, sought for a direction to the respondents in the writ petition to permit the petitioner to attend the 4th semester classes commenced on 18.12.2017 and permit him to attend the 3rd semester examination along with 4th semester examination in the third respondent college. Through the impugned proceedings dated 15.12.2017, the college informed the writ petitioner that he has to repeat the course, because of shortage of attendance, as he has not secured/earned 75% of the attendance to facilitate him for appearing in the University examination.

3.The writ Court, by considering the submission made by the writ petitioner that a mistake had crept in the digital records while uploading the attendance in the computer which had given an impression as though the petitioner had the attendance of the required working hours, issued a direction to the respondents 2 and 3 therein to issue Hall Ticket to the writ petitioner to enable him to write the 3rd semester examination for B.E course, by taking a sympathetic view also by condoning 5% of his attendance and thereby making him eligible to take part in the 3rd semester examination. Challenging the said order, the present writ appeal is filed by the University.

4.We heard both sides and perused the materials placed before us.

5.There is no dispute to the fact that a student must have minimum 75% of attendance to appear for the University examination. The dispute between the parties herein is in respect of the attendance in practical papers. When the required minimum attendance is 75%, it is stated by the college that the petitioner has secured only 60.47%. No doubt the writ petitioner wanted to take advantage of a mistake crept in the digital records in uploading the attendance.

6.It is stated by the appellant University that when the writ petitioner had attended only 18 working hours, it was wrongly uploaded as 39 working hours and however, such mistake was subsequently rectified.

7.A counter affidavit is filed in this writ appeal by the second respondent College, wherein the assessment details of the

attendance earned by the writ petitioner are given as follows:-

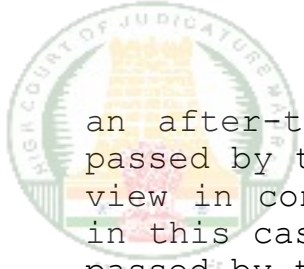
Report Period		03.07.2017 to 27.07.2017		28.07.2017 to 24.08.2017			26.08.2017 to 21.09.2017			22.09.2017 to 21.10.2017		
Subject Code	Subject Type	Report Period I		Report Period II			Report Period III			Report Period IV		
		Total Period	Attended Period	Total Period	Attended Period	Assessment Mark (Out of 100)	Total Period	Attended Period	Assessment Mark (Out of 100)	Total Period	Attended Period	Assessment Mark (Out of 100)
EC6202	CT	17	8	25	15	54	13	7	54	17	10	54
EC6361	CP									45	18	75
EE6301	CT	18	10	21	14	70	17	7	50	13	9	80
EE6302	CT	18	7	17	10	44	15	3	0	17	12	100
EE6303	CT	14	8	15	9	76	14	6	90	17	14	100
EE6311	CP									45	18	70
GE6351	CT	12	6	15	9	98	14	6	92	13	7	100
MA6351	CT	17	7	21	11	74	23	11	88	19	12	70

8. Thus, it is contended that the writ petitioner has attended and earned only 60.47%, whereas the required minimum percentage is 75%. It is further stated that even assuming that the writ petitioner has attended 39 working hours, which is factually not correct, even then, the percentage will be 65.47 and not 75%. It is further stated that in order to write the examination with such 65%, one has to produce a medical certificate. It is further contended by the College as well as the University that the writ petitioner has not produced any such certificate. Therefore, it is stated that even assuming that the petitioner has obtained 65%, in the absence of any medical certificate, the writ petitioner cannot be permitted to write the examination for shortage of attendance.

9. Perusal of the order passed by the learned Single Judge would show that he has only taken a sympathetic view by condoning the 5% of the attendance of the writ petitioner, so as to enable him to write the 3rd semester examination.

10. Now, it is stated that though the writ petitioner was permitted to sit in the 3rd semester examination, he failed in all the subjects.

11. When such being the factual position as on today and when the writ petitioner has not secured required minimum attendance of 75% and when it is claimed by the College that he has not produced any medical certificate, we are of the view that the shortage of attendance cannot be condoned by taking a sympathetic view so as to enable a student to write the examination, as it would go against the object and very purpose of conducting the classes by the College and the examination by the University. If really, the petitioner was unwell during the relevant point of time, nothing prevented the petitioner in approaching the University by producing the medical certificate and seek for condonation, if any. Even the letter addressed by the petitioner dated 04.11.2017 to the University does not indicate that he could not make the attendance due to his ill-health and on the other hand, he was harping upon the digital display made in the web portal with regard to the number of working hours attended by the petitioner to justify his claim for writing the examination. Therefore, as rightly pointed by the learned counsel for the appellants as well as the respondent college that the conduct of the writ petitioner in obtaining the medical certificate and producing the same before this Court appears to be



an after-thought. Therefore, we are of the view that the order passed by the Writ Court cannot be sustained as taking a sympathetic view in condoning the shortage of attendance is totally unwarranted in this case. Accordingly, the writ appeal is allowed and the order passed by the learned single Judge is set aside.

12. The learned counsel for the first respondent, at this juncture, made a prayer that if the first respondent seeks for transfer from the second respondent College, the same may be directed to be considered. If any such request is made, the second respondent shall consider the same and pass appropriate orders and forward such request to the University as well, without loss of any further time. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-IV)

To
The Registrar,
Anna University,
Chennai - 600 025.

+1cc to Mr.M.P.Senthil, Advocate, SR.No.71307.
+1cc to Mr.T.M.Madasamy, Advocate, SR.No.71250.

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and
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RAM/SV/SAR 4/24.07.2018/4P/4C